

From: **Colton L. Richardson** [colton@rrbok.com](mailto:colton@rrbok.com)

Subject: Re: Sanders v. Turn Key

Date: February 23, 2021 at 2:16 PM

To: Ambre Gooch [ACG@czwlaw.com](mailto:ACG@czwlaw.com)

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Ambre,

As stated in our letter that we sent to you, we are willing to work on the date to accommodate both you and opposing counsel.

Discovery cutoff is April 8th. Trial date is in December. The Magistrate does not have authority to allow us to inspect the jail or do any other discovery after the discovery cutoff, only the US District Judge. Magistrate Little made no comment that "she would allow" the inspection after the discovery cutoff.

The parameters that we can agree to:

- Photos taken can be protected by the PO
- No talking with staff or inmates

The parameters that we suggest:

- No more than two party representatives allowed
- "No video or audio recording equipment is allowed" — most photography cameras are capable of taking pictures, video, and audio. We cannot agree to this. However, we can agree that no videos or audio will be taken.
- "No persons are allowed to be in the photos" — we agree that no inmates or staff will be in pictures. If there is a time that counsel feels it be relevant, an individual may be in picture only for purpose of establishing dimensions (i.e. comparing to human size). However, we can agree that no pictures will be taken of CCSO staff or inmates.

We would like to inspect the following:

- Booking area
- Cells in booking area where Sanders was located at any time
- Hallway to area where ambulance arrived
- Garage/bay where the ambulance loaded Sanders
- Nursing office or any offices used by Turn Key

We are not sure where or if any counsels for Turn Key would like to inspect, as this was our subpoena served.

For the reasons above, we cannot agree to withdraw this subpoena, but we can agree upon another date prior to April 8th. Please let me know your intentions or other available dates. Thank you.

**Colton L. Richardson**

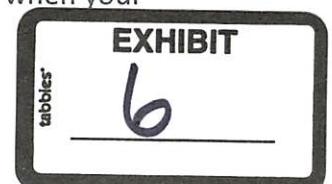
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On Feb 22, 2021, at 3:31 PM, Ambre Gooch <[ACG@czwlaw.com](mailto:ACG@czwlaw.com)> wrote:

Colton: We received the attached SDT to do an inspection of the Creek County Jail on 3-15-21. You know our position on this based on the briefing and the hearing that has occurred on this very subject. There are parameters that have to be agreed upon and the date/time have to be agreed upon, or it won't proceed. Regardless of the parameters being agreed upon or not, though, March 15, 2021 will not work due to the pandemic and to my work schedule. As I recall, the Court explained at the last hearing that if we can't agree on the parameters, she'll entertain a Motion which addresses them. Further, as I recall, the Court commented that the inspection need not occur prior to discovery cutoff, if the pandemic is still an issue. I don't know when your discovery cutoff or trial date is. When are these deadlines?



Here are the parameters:

One party representative is allowed.

No video or audio recording equipment is allowed.

One person may take photographs, and those photos will be shared with all parties and with me within 48 hours of the inspection. The photos must be protected by a PO in the case that limits their use and disclosure to this lawsuit only and to counsel for the parties in this case. If this does not exist, would someone please draft one? If it does exist, would you please send it to me so that I can review?

No talking to staff or inmates will be permitted.

No persons will be allowed to be in the photos that are taken.

The only locations that can be "inspected" must be agreed upon in advance by the parties in this case and by my client. I suggest that you and Plaintiff get together and decide what you want inspected, and then let me know what that is, and I will get back with you on it.

As you now know the inspection will occur at some point before trial, seems to me you should withdraw the SDT for 3-15-21. So, will you please withdraw the SDT for the inspection to occur on 3-15-21? Please let me know.

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<Subpoena to Creek County Sheriff's Office.pdf><Ltr from C. Richardson 021721 re Subpoena to Insp. Jail.pdf>